

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

TERESA L. FINE, et al, )  
                            )  
Plaintiffs,             )  
                            )  
vs.                       )     **CASE NO. 2:15-CV-1206-LSC**  
                            )  
SAFECO INSURANCE COMPANY )  
OF ILLINOIS, et al.     )  
                            )  
Defendants.             )

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**PRO AMI CONSENT JUDGMENT AND FINAL ORDER**

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COME NOW Plaintiffs Teresa L. Fine; Larry M. Fine; Teresa L. Fine and Larry M. Fine, as mother and father and next of kin of Cassidy Fine, a minor; Teresa L. Fine and Larry M. Fine, as mother and father and next of kin of Courtney Fine, a minor; and Defendant Safeco Insurance Company of Illinois “SAFECO” (collectively, “the Parties”). The above-styled matter comes before the Court on the representation by the parties that a compromise settlement has been reached among all parties to the case as to the claims of the two minor children in the amount totaling Four Thousand Nine Hundred Ninety-Nine Dollars (\$4,999.00) for each child, subject to and conditioned upon court approval of same. Present in Court were plaintiffs Courtney Fine and Cassidy Fine, their mother Teresa L. Fine, their father

Larry M. Fine, their attorneys and the attorney for the defendant and the guardian ad litem.

Due to the fact that Courtney Fine and Cassidy Fine are minors, the Court conducted a full hearing of the evidence and was advised of the facts concerning the alleged liability of defendant SAFECO and the plaintiffs' injuries. The purpose of the hearing was to consider the parties' proposed settlement of Courtney Fine's and Cassidy Fine's claims and to determine whether the Court should enter judgment that would, in effect, approve the proposed settlement.

The Court received evidence about how the accident happened, the nature and extent of Courtney Fine's and Cassidy Fine's injuries, their current condition, the medical expenses and other damages they suffered. The Court reviewed the acknowledgment and release of the parents of said minor children to said settlement and appointed a Guardian ad Litem to examine the facts and issues in the case and independently review the terms of the settlement. The Court has heard statements from the parties and their attorneys and has received a report from the Guardian ad Litem. Having considered the evidence, the Court finds and orders as follows:

1. Courtney is a minor, born on January 7, 2001 and Cassidy Fine is a minor, born on February 5, 2000. They were injured in a car accident on May 9, 2014. They were passengers in a vehicle driven by Teresa L. Fine.

2. Teresa L. Fine and Larry M. Fine are the parents and legal custodians of Courtney Fine and Cassidy Fine, and Courtney Fine and Cassidy Fine live with them.

3. Plaintiff alleges that the accident resulted from a phantom driver's negligence or wantonness. Teresa L. Fine is covered by a policy of insurance for Uninsured Motorist Benefits. There is a genuine dispute between the parties as to the liability of the defendant.

4. As a proximate result of the accident, Courtney Fine suffered injuries to her body and had small amounts of glass in her skin as well as being frightened. Cassidy Fine suffered injuries to her left shoulder as well as being frightened.

5. Courtney Fine's medical bills totaled \$4615.00, and some have been reduced and paid by Blue Cross/Blue Shield. Cassidy Fine's medical bills totaled \$2551.00, and some have been reduced and paid by Blue Cross/Blue Shield. There is no notice of subrogation.

6. The defendants have offered to settle Courtney Fine's claim for Four Thousand Nine Hundred Ninety-Nine Dollars (\$4,999.00) and Cassidy Fine's claims for Four Thousand Nine Hundred Ninety-Nine Dollars (\$4,999.00). The settlement would be distributed by Robert Kracke as follows:

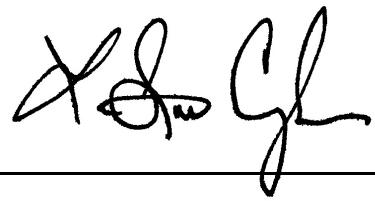
- A. \$3,999.20 to Robert Kracke, for Kracke & Price, as an attorney's fee and expenses for both minors;
- B. \$2999.40 to be paid to Teresa L. Fine and Larry M. Fine for the benefit of Courtney Fine and \$2999.40 to be paid to Teresa L. Fine and Larry M. Fine for the benefit of Cassidy.

7. Taking into consideration all the facts concerning liability and damages, the Court finds that the settlement of Courtney Fine's and Cassidy Fine's claims on this basis is just and fair compensation for them to receive and that a judgment for this amount will be in their best interest. The Court notes that the Guardian ad Litem has recommended approval of the settlement.

8. Courtney Fine and Cassidy Fine are represented by Robert Kracke and Clifton S. Price, II. The Court finds that an award of \$3999.20 (\$1,999.60 each) for an attorney's fee to be deducted from the settlement, is fair and reasonable for their services, inasmuch as Kracke & Price attorneys have paid all of the litigation expenses for these claims.

9. Based on these findings, the Court enters judgment as follows:
  - A. The Court enters judgment in favor of Courtney Fine's and Cassidy Fine's claims and against defendant Safeco totaling Nine Thousand Nine Hundred Ninety-Eight Dollars (\$9998.00). Defendant will satisfy this judgment by paying such amount directly to the attorney, Robert Kracke, for Kracke & Price, Teresa L. Fine and Larry M. Fine.
  - B. Robert Kracke is ordered and authorized to disburse said Nine Thousand Nine Hundred Ninety-Eight Dollars (\$9998.00) as follows:
    - A. \$3,999.20 to Robert Kracke , for Kracke & Price, as an attorney's fee and expenses;
    - B. \$2999.40 to be paid to Teresa L. Fine and Larry M. Fine for the benefit of Courtney Fine and \$2999.40 to be paid to Teresa L. Fine and Larry M. Fine for the benefit of Cassidy Fine.
    - C. The Guardian ad Litem, Honorable Charles Malone, is awarded a fee of \$2341.50 as fair and reasonable compensation for services rendered. Defendant SAFECO will pay this fee directly to the Guardian ad Litem.
    - D. Court costs are taxed as paid.

Done this 29<sup>th</sup> day of September 2016.



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L. SCOTT COOGLER

UNITED STATES DISTRICT JUDGE

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